

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRENDA M JOHNSON,

Plaintiff,

v.

UNITED STATES, et al.,

Defendants.

CASE NO. C21-5242 MJP

ORDER DENYING MOTION TO
RECUSE

This matter comes before the Court on Plaintiff's Motion to Recuse. (Dkt. No. 14.)

Having reviewed the Motion and the relevant record, the Court DENIES the Motion.

“[I]n the absence of a legitimate reason to recuse himself, ‘a judge should participate in cases assigned.’” United States v. Holland, 519 F.3d 909, 912 (9th Cir. 2008) (quoting Maier v. Orr, 758 F.2d 1578, 1583 (Fed. Cir. 1985)). But “a judge may not sit in cases in which his ‘impartiality might reasonably be questioned.’” Id. (quoting 28 U.S.C. § 455(a)). “If it is a close case, the balance tips in favor of recusal.” Id.

1 Plaintiff's Motion identifies two grounds for recusal under 28 U.S.C. § 455(b): (1)
2 recusal because of a "personal bias or prejudice concerning a party, or personal knowledge of
3 disputed evidentiary facts concerning the proceeding," and (2) "Where [the judge] has served in
4 governmental employment and in such capacity participated as counsel, adviser or material
5 witness concerning the proceeding or expressed an opinion concerning the merits of the
6 particular case in controversy." 28 U.S.C. § 455(b)(1), (b)(3).

7 The Court is not convinced the recusal is appropriate. First, Plaintiff seeks recusal given
8 the Court's knowledge of another matter filed by Plaintiff. (See Mot. at 1 (citing Johnson v.
9 Electronic Transaction Consultants LLC, C20-5857 MJP).) The Court is aware of that matter and
10 notes that it dismissed that action for failure to prosecute. (See Johnson, C20-5857 MJP, Dkt.
11 No. 14.) But the Court finds no basis to conclude that it has any "personal knowledge" of the
12 facts presented in the present case by its mere oversight of Plaintiff's prior case. Second, Plaintiff
13 appears to seek recusal on the theory that the undersigned was a lawyer of the public agency she
14 has sued. (See Mot. at 1.) This is factually incorrect, and no evidence has been submitted to
15 sustain this claim. The Court therefore DENIES the Motion to Recuse.

16 In accordance with the Local Rules, this matter is referred to U.S. Chief District Judge
17 Ricardo S. Martinez for review of Plaintiff's recusal request and this Court's denial of that
18 request.

19 The clerk is ordered to provide copies of this order to Plaintiff and all counsel.

20 Dated August 10, 2021.

21 

22 Marsha J. Pechman
23 United States Senior District Judge
24